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DATE: 3 Oct
ITEM: NO. 18
REF: NO. 17

The attached adds to preceding item (criticism of the Phoenix program).

UPI-94

ADD 1 WAR CRIMES, WASHINGTON (UPI-90)

~~AMBASSADOR MARK T. COLBY, A SAIGON POLITICAL OFFICER WHOSE DUTIES INCLUDED OVERSIGHT OF THE PHOENIX PROGRAM, TESTIFIED DURING SUBCOMMITTEE HEARINGS THAT IT WAS "NOT A PROGRAM OF ASSASSINATION," AND THAT EXCEPT IN A FEW INSTANCES, THE SUSPECTS WERE KILLED ONLY WHEN THEY RESISTED ARREST.~~

BUT COLBY'S TESTIMONY WAS CONTRADICTED BY SEVERAL WITNESSES, THE MOST DAMAGING OF WHICH WAS FROM K. BARTON OSBORN, WHO WORKED AS AN INTELLIGENCE OPERATIVE IN THE PROGRAM. OSBORN SAID RECONNAISSANCE UNITS SENT OUT TO FIND THE SUSPECTS "HAD THE PRIMARY MISSION OF THE ASSASSINATIONS." HE ALSO SAID THAT IN HIS EXPERIENCE, THOSE WHO

ASSASSINATIONS." HE ALSO SAID THAT IN HIS EXPERIENCE, THOSE WHO WERE CAPTURED WERE TORTURED TO DEATH OR THROWN FROM HELICOPTERS, MANY BY U.S. SOLDIERS.

THE REPORT SAID OSBORN'S CHARGES WERE "UNOFFICIALLY CALLED TO THE ATTENTION OF A HIGH-RANKING DEFENSE DEPARTMENT OFFICIAL IN A STAFF CONFERENCE. TO THE KNOWLEDGE OF THE COMMITTEE, THERE HAS BEEN NO EFFORT BY DOD TO PURSUE THE SERIOUS CHARGES OF THE CRIMES DESCRIBED UNDER OATH BY MR. OSBORN IN HIS TESTIMONY. THESE CHARGES SHOULD BE EITHER SUBSTANTIATED OR REPUDIATED AFTER AN IMPARTIAL AND THOROUGH INVESTIGATION."

THE REPORT CALLED ON DEFENSE SECRETARY MELVIN R. LAIRD TO "FULLY INVESTIGATE THESE ALLEGATIONS OF CRIMES COMMITTED BY U.S. MILITARY PERSONNEL IN SOUTH VIETNAM AGAINST CIVILIANS SUSPECTED OF VIET CONG ACTIVITIES."

THE REPORT SAID THERE WERE "SERIOUS QUESTIONS" ABOUT THE WAY THE PHOENIX PROGRAM OPERATED.

"SPECIFICALLY, IT WAS DEVELOPED DURING THE HEARINGS THAT THE USE OF 'QUOTAS' AND THE 'TARGETING' OF VIET CONG SUSPECTS IS OFTEN BASED ON FAULTY INTELLIGENCE, SOMETIMES SUPPLIED BY INDIVIDUALS HAVING ULTERIOR MOTIVES," THE REPORT SAID.

THE REPORT POINTED OUT THAT ACCORDING TO OFFICIAL FIGURES, 20,587 SUSPECTED VIET CONG AGENTS WERE KILLED FROM 1968 THROUGH MAY, 1971.

"IT IS IMPOSSIBLE NOT TO WONDER HOW MANY OF THESE PERSONS WERE THE INNOCENT VICTIMS OF FAULTY INTELLIGENCE," THE REPORT SAID. "THE COMMITTEE CAN THINK OF NO OTHER U.S.-FUNDED OR SUPPORTED PROGRAM IN WHICH THE CONSEQUENCES OF INEFFICIENT MANAGEMENT ARE SO EXTREME."

THE SUBCOMMITTEE SAID IT WAS NOT EVEN ABLE TO DETERMINE HOW MUCH U.S. MONEY WAS DEVOTED TO THE PROGRAM.

These comments represent the initial and tentative reaction of the Office of Current Intelligence to the attached item; the news services.

~~THE REPORT WAS LESS CRITICAL OF OTHER U.S. AID PROGRAMS, BUT SAID OF THE ENTIRE PACIFICATION PROGRAM: "DESPITE ELOQUENT DESCRIPTIONS OF THE ACCOMPLISHMENTS OF THE PACIFICATION PROGRAM BY ADMBASSADOR COLBY AND BY AID WITNESSES, THE COMMITTEE IS NOT PERSUADED THAT IT HAS JUSTIFIED THE EXPENDITURE OF THE \$5 BILLION IN FUNDS ALLOCATED TO IT."~~

10/3--GE154P

STAT

House Panel Criticizes Pentagon On Political Killings in Vietnam

WASHINGTON, Oct. 3 (UPI) — A House of Representatives subcommittee has criticized the Pentagon for not investigating possible war crimes by United States soldiers taking part in a program of political assassination in South Vietnam.

The subcommittee report, obtained by United Press International, said it was possible that many of the more than 20,000 suspected Vietcong killed under the program known as Phoenix were actually innocent civilians who were victims of faulty intelligence.

The private report of the House Foreign Operations and Government Information Subcommittee, based on a field trip to South Vietnam and hearings held over a two-year period, questioned "the serious moral considerations of U.S. support for a program that has allegedly included torture, murder and inhumane treatment of South Vietnamese civilians."

Such charges, said the report, were "unofficially called to the attention of a high-ranking Defense Department official in a staff conference [but] there has been no effort by D.O.D. to pursue the serious charges."

"These charges should be either substantiated or repudiated after an impartial and thorough investigation," the report said.

Testimony by Ex-Agent

The charges cited by the subcommittee were based mostly on testimony by K. Barton Osborn, an American who worked as an intelligence agent in the Phoenix program.

He testified before the subcommittee that reconnaissance units sent out to find Vietcong suspects "had the primary mission of assassinations." From his experience, he said, suspects who were captured were either tortured to death or thrown from helicopters, frequently by American soldiers.

The Phoenix program, started in 1968, was organized to identify members of the Vietcong and to "neutralize" them through death or imprisonment.

Mark T. Colby, a diplomat who served as a political officer in Saigon and had responsibility for overseeing the Phoenix program, told the subcommittee that it was "not a program of assassination" and that, except in a few instances, the suspects were killed only when they resisted arrest.

But Mr. Osborn, under questioning by the subcommittee chairman, William S. Moorhead, Democrat of Pennsylvania, and Representative Paul N. McCloskey, Republican of California, testified in July, 1971, that he had seen civilians thrown from helicopters by United States soldiers to scare other suspects into admitting that they were members of the Viet Cong forces.

The former agent also said

he had seen Americans slowly starve a woman to death and that some suspects had had rods slowly tapped into their ears until their brains were penetrated.

He said that Americans "knew unofficially" it was preferable to kill suspects rather than go through the "administrative problems and procedure" of detaining them.

Citing "serious questions" about the Phoenix program, the subcommittee said: "It was developed during the hearings that the use of 'quotas' and the 'targeting' of Vietcong suspects is often based on faulty intelligence, sometimes supplied by individuals having ulterior motives."

The report said that, according to official figures, 20,587 suspected Vietcong agents were killed from 1968 through May, 1971.

AMS 52

INDOCHINA--REPORT

BY RANJITI DE SILVA

WASHINGTON, OCT. 4, REUTER--A CONGRESSIONAL SUB-COMMITTEE HAS CHARGED IN A REPORT THAT U.S. TROOPS AND AGENTS KILLED MORE THAN 20,000 SOUTH VIETNAMESE CIVILIANS UNDER A PROGRAM KNOWN AS "OPERATION PHOENIX." IT WAS DISCLOSED TODAY.

THE HOUSE OF REPRESENTATIVES FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE AFTER DETAILING ITS ALLEGATIONS CALLED ON DEFENSE SECRETARY MELVIN LAIRD TO ORDER A FULL INVESTIGATION OF POSSIBLE WAR CRIMES COMMITTED UNDER THE PROGRAM.

~~THE SUBCOMMITTEE CHARGED IN THE REPORT THAT MORE THAN 20,000 SOUTH VIETNAMESE CIVILIANS HAD BEEN KILLED IN THE CENTRAL INTELLIGENCE AGENCY-FUNDED PROGRAM STARTED IN 1966.~~

THE REPORT SAID THAT THE AIM OF THE PROGRAM WAS TO IDENTIFY SECRET VIET CONG AGENTS AND "NEUTRALIZE THEM"--A PHRASE REGARDED BY MANY OBSERVERS AS BEING A POLITE WAY OF SAYING EXECUTE THEM. A COPY OF THE REPORT WAS MADE AVAILABLE TO THE PRESS TODAY.

THE SUB-COMMITTEE'S FINDINGS WERE BASED ON A FIELD TRIP TO SOUTH VIETNAM AND HEARINGS HELD OVER TWO YEARS. ITS RECOMMENDATIONS AND CONCLUSIONS ARE BASED IN PART ON TESTIMONY BY BARTON OSBORN, A FORMER U.S. INTELLIGENCE AGENT WORKING IN THE PHOENIX PROGRAM. MORE AS/MJ 1616

AMS 53

INDOCHINA - REPORT 2 WASHINGTON

OSBORN TESTIFIED BEFORE THE SUBCOMMITTEE THAT RECONNAISSANCE UNITS SENT TO FLUSH OUT VIET CONG SUSPECTS HAD "THE PRIMARY MISSION OF ASSASSINATIONS."

HE SAID SUSPECTS WHO WERE CAPTURED WERE EITHER TORTURED TO DEATH OR THROWN FROM HELICOPTERS, FREQUENTLY BY AMERICAN SOLDIERS.

IN CALLING FOR A FULL INVESTIGATION OF THE ALLEGATIONS, THE COMMITTEE SAID:

"THE COMMITTEE IS CONCERNED ABOUT PHOENIX'S HIGHLY QUESTIONABLE INTELLIGENCE GATHERING PROCEDURES, ITS IMPRECISE METHODS OF TARGETING SUSPECTED VIET CONG FOR NEUTRALIZATION, ITS LACK OF ADEQUATE LEGAL AND DETENTION PROCEDURES, AND SERIOUS MORAL CONSIDERATIONS OF U.S. SUPPORT FOR A PROGRAM THAT HAS ALLEGEDLY INCLUDED TORTURE, MURDER AND INHUMANE TREATMENT OF SOUTH VIETNAMESE CITIZENS."

THE SUBCOMMITTEE REPORT CRITICIZED THE DEPARTMENT FOR WHAT IT CALLED PAST FAILURES TO INVESTIGATE POSSIBLE WAR CRIMES, SAYING IT HAD UNOFFICIALLY CALLED THEM TO THE ATTENTION OF A HIGH RANKING PENTAGON OFFICIAL AT A STAFF CONFERENCE.

REUTER AS/MJ 1619